ORDINANCE NO. 2004 - 026

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **FUTURE LAND USE ELEMENT** (TO UPDATE THE DESCRIPTION AND BOUNDARIES OF THE TURNPIKE AQUIFER PROTECTION OVERLAY (TAPO) AND TO CLARIFY WATER AND SEWER POLICIES REFERRING TO THE RURAL, URBAN AND LIMITED URBAN SERVICES AREAS (LUSA)); AMENDING THE **UTILITY ELEMENT** (TO CLARIFY WATER AND SEWER POLICIES REFERRING TO THE RURAL, URBAN AND LIMITED URBAN SERVICE AREAS AND TO UPDATE THE POTABLE WATER LOS TABLE); AMENDING THE **INTERGOVERNMENTAL COORDINATION ELEMENT** (TO UPDATE THE DESIGNATION OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AS A COMMENTING AGENCY FOR LAND USE AMENDMENTS TO INCORPORATE POTENTIAL IMPACTS ON THE COMPREHENSIVE EVERGLADES RESTORATION PROJECTS (CERP)); AMENDING THE **CAPITAL IMPROVEMENT ELEMENT** (TO CLARIFY WATER AND SEWER POLICIES RELATED TO THE RURAL, URBAN AND LIMITED URBAN SERVICE AREAS); AMENDING THE **FUTURE LAND USE ATLAS** (TO MODIFY PAGES **56, 57, 64, 89 AND 90** OF THE FLUA BY REFLECTING THE NEW BOUNDARIES OF THE TURNPIKE AQUIFER PROTECTION OVERLAY (TAPO) AND TO MODIFY PAGES **85, 86, 89, 90, 93, 94, 98 AND 99** OF THE FLUA BY DELETING THE OLD BOUNDARIES OF THE TURNPIKE AQUIFER PROTECTION OVERLAY (TAPO); TO UPDATE THE WELLHEAD LOCATIONS AND THE WELLFIELD PROTECTION ZONES BOUNDARIES; AND AMENDING THE **MAP SERIES** (TO REVISE MAP LU 3.1, SPECIAL PLANNING AREAS, TO DEPICT THE REVISED BOUNDARIES OF THE TURNPIKE AQUIFER PROTECTION OVERLAY (TAPO) AND TO REVISE MAP LU 4.1, WELLFIELD PROTECTION ZONES, TO DEPICT THE REVISED BOUNDARIES OF THE TURNPIKE AQUIFER PROTECTION OVERLAY (TAPO)); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 20 & 27, March 12, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm

Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on April 5, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on June 28, 2004 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated June 19, 2004 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained in this ordinance;

WHEREAS, on August 24, 2004 the Palm Beach County Board of County Commissioners held a public hearing to review the written comments submitted by the Department of Community Affairs and to consider adoption of the amendments; and

WHEREAS, the Palm Beach County Board of County Commissioners has determined that the amendments comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulations Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the 1989 Comprehensive Plan

Amendments to the text of the following Elements of the 1989 Comprehensive Plan are hereby adopted and attached to this Ordinance in Exhibit 1:

A. **Future Land Use Element,** To update the description and boundaries of the Turnpike Aquifer Protection Overlay (TAPO) and clarify water and sewer policies referring to the Rural, Urban and Limited Urban Service Areas and to update the Potable Water Level of Service (LOS) Table;

B. Utility Element, To clarify water and sewer policies referring to the Rural, Urban and Limited Urban Service Areas (LUSA);

C. Intergovernmental Coordination Element, To update the designation of the South Florida Water Management District has a commenting agency for land use amendments to incorporate potential impacts on the Comprehensive Everglades Restoration Projects (CERP);

D. Capital Improvement Element, To clarify water and sewer policies related to the Rural, Urban and Limited Urban service areas;

E. Future Land Use Atlas, To modify pages **56, 57, 64, 89 and 90** of the FLUA by reflecting the new boundaries of the Turnpike Aquifer Protection Overlay (TAPO) and to modify pages **85, 86, 89, 90, 93, 94, 98 and 99** of the FLUA by deleting the old boundaries of the Turnpike Aquifer Protection Overlay (TAPO); To update the wellhead locations and the wellfield protection zones boundaries; and

F. Map Series, To revise Map LU 3.1, Special Planning Areas, to depict the revised boundaries of the Turnpike Aquifer Protection Overlay (TAPO) and to revise Map LU 4.1, Wellfield Protection Zones, to depict the revised boundaries of the Turnpike Aquifer Protection Overlay (TAPO); To update the wellhead locations and the wellfield protection zones boundaries; and

G. Amending all elements as necessary for internal consistency.

Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 24 day of August, 2004.

ATTEST:
DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: Linda C. Hickman
Deputy Clerk

By: for
Karen T. Marcus, Chair

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

Filed with the Department of State on the 30 day of August, 2004

T:\Planning\AMEND\04-1\admin\bccadopt\Ordinances\Service Delivery.doc

EXHIBIT 1

A. Future Land Use Element, Service Delivery Revisions

REVISIONS: To revise and update. The revisions are shown with the added text underlined, and the deleted text ~~struck out~~.

OBJECTIVE 1.4 Future Land Use Provisions - Rural Tier

REVISE Policy 1.4-k: ~~The County shall not make future land use decisions that increase density and/or intensity, which would require major new public investments in capital facilities and related services in the Rural Tier~~. The existence of public facilities of any kind, including potable water, wastewater and/or reclaimed water pipelines, shall not be used as justification for making future land use decisions that increase density and/or intensity in the Rural Tier. In order to ensure system efficiency, properties within an area where a public or privately owned potable water, reclaimed water, and / or wastewater utility has been granted or assigned utility service area rights by Palm Beach County, the utility may extend lines and the properties may connect to the utility's system.

OBJECTIVE 3.1 Service Area-General

NEW Policy 3.1-c The Palm Beach County Water Utilities Department shall provide potable water, reclaimed water and wastewater service to all unincorporated areas of the County except those unincorporated areas where the Palm Beach County Board of County Commissioners has entered or enters into a written agreement that provides utility service area rights to a public or privately owned potable water, reclaimed water, and/or wastewater utility, or in areas where the Palm Beach County Water Utilities Department is specifically excluded from providing utility service by Florida law. Palm Beach County Water Utilities Department shall continue to provide utility services to incorporated areas where service is already being provided by the County, or as provided for under utility service area agreements or as allowed for by law.

OBJECTIVE 3.4 Rural Service Area

DELETE Policy 3.4-c: ~~The County shall neither provide, nor subsidize the provision of centralized potable water or sanitary sewer in the Rural Service Area, unless urban levels of service are required to correct an existing problem, prevent a projected, public health hazard or prevent significant environmental degradation, or the areas meet the criteria described in Future Land Use Policy 3.4-b.~~

REVISE Turnpike Aquifer Protection Overlay

REVISE Policy 1.5-a The TAPO District boundary shall be shown on the Future Land Use Atlas and described as ~~that area generally located south of Northwest 22nd Avenue, north of West Atlantic Avenue (State Road 806), east of the Florida Turnpike, and west of Military Trail.~~ two areas around Palm Beach County Water Treatments Plants (WTP) 3 and 8 as follows:

1. The TAPO around WTP-3 includes portions of the area north of Woolbright Road, south of Boynton Beach Boulevard, east of Hagen Ranch Road, and west of Jog Road as more specifically shown on the Future Land Use Atlas.
2. The TAPO around WTP-8 includes portions of the water plant property; the area north of Belvedere, west of Jog Road and south of the Turnpike; and the area north of Southern Boulevard, south of Belvedere, east of the turnpike and west of Drexel Road as more specifically shown on the Future Land Use Atlas.

The specific TAPO boundaries are depicted on maps and legal descriptions incorporated in the ULDC. See ULDC, Article 3, Overlays and Zoning Districts, Appendix 1, Legal Description Water Treatment Plant No. 3, and Appendix 2, Legal Description Water Treatment Plant No. 8.

REVISE Future Land Use Element, Section III. Implementation. E. Overlays

The surficial aquifer is the primary source of freshwater for eastern Palm Beach County. The northern extension of the Biscayne Aquifer, locally known as the "Turnpike" Aquifer, encompasses one of the most extremely productive portions of the surficial aquifer. The "Turnpike" Aquifer also serves as the present and future water supply for many of ~~the system 3W~~ Palm Beach County's water treatment plants ~~3 and 8~~.

In addition, the County shall encourage new uses and developments, which are compatible with the protection of the groundwater, including but are not limited to: residential uses, parks and open spaces, golf courses, campgrounds, and agricultural uses.

B. Capital Improvement Element, Service Delivery Revisions

REVISIONS: To revise and update. The revisions are shown with the deleted text ~~struck out~~.

OBJECTIVE 1.5 Urban, Limited Urban, and Rural Service Areas

DELETE Policy 1.5-c: ~~Urban levels of service shall not be provided by any governmental entity (outside of its existing service area boundary) within the Rural Service Area of the unincorporated area, except where:~~

~~1. The Rural Service Area receives urban services pursuant to Objective 1.1 in this Element, or~~
~~2. An urban level of service is required to correct a demonstrated public health hazard.~~
~~3. Development on a parcel in the Rural Tier that is adjacent to water and/or sewer lines which existed prior to the adoption of the Comprehensive Plan in 1989 shall be allowed to connect to those existing lines and shall be allowed to connect to public sewer and/or water when required by the Public Health Department. This policy shall not allow the extension of new water and/or sewer lines into the Rural Tier to serve development without first amending the Service Areas Map and the Future Land Use Atlas to reflect a change in the service area boundary.~~

C. Utility Element, Service Delivery Revisions

REVISIONS: To revise and update. The revisions are shown with the added text underlined, and the deleted text ~~struck out~~.

SERVICE DELIVERY REVISIONS

REVISE OBJECTIVE 1.6: Conditions for the provision of potable water and/or wastewater and for the correction of existing and potential deficiencies *[9J-5.011 (2)(b) 1, 2 and 3, F.A.C.]*

Potable water, wastewater, and/or reclaimed water shall be provided ~~only in the areas defined below,~~ in order to protect public health, make the best use of available capacity and discourage urban sprawl. ~~:~~

~~1. Areas within the Urban Service Area, including areas deficient in service;~~
~~2. Areas that must be served to ensure system efficiency; and~~
~~3. Areas specifically designated for potable water due to public health and safety requirements.~~

REVISE Policy 1.6-c The County shall coordinate with representatives from the Special Districts, to ensure that District plans are compatible with the County's Comprehensive Plan, in compliance with Paragraph 189.415~~5~~, Chapter 189, F.S., and with 9J-5.015 (3)(b) 1, F.A.C. The coordination called for is~~:~~

~~1. For the resolution of health hazardous and emergency situations as indicated in Policies 1.7-a and 1.7-b of this Sub-element; and~~

~~2.~~ ~~T~~ to make sure that Special District plans, programs and projects are consistent with the County's Comprehensive Plan, in particular with the Growth Management Strategies specified in the Future Land Use Element of the Plan, and the service delivery objectives and polices in the Future Land Use and Utility Elements of the Plan.

LEVEL OF SERVICE TABLE UPDATE

UPDATE Table 1 – Level of Service Standards for Potable Water:

Table 1
Minimum Level of Service Standards for Potable Water
(Policy 1.2-a)

[9J-5.011(2)(c)2(b), F.A.C.]

Facility	**Potable Water** (1)	**Fire Flow** (2) Residential/Commercial	**Storage** (3)
Palm Beach County Water Utilities Department	~~180~~ 126	1,000 /1,500-5,000	2/3 ADF of System
Seacoast Utility Authority	191	1,000 /1,500-5,000	2/3 ADF of System
Village of Wellington	160	1,000 /1,500-5,000	2/3 ADF of System
Town of Jupiter	170	1,000./1,500-5,000	2/3 ADF of System
City of Riviera Beach	195	1,000 /1,500-5,000	4.0 million gallons
Village of Palm Springs	194	1,000 /1,500-5,000	2/3 ADF of System
City of Lake Worth	170	1,000 /1,500-5,000	5.9 million gallons
City of Boynton Beach	~~182~~ 177	1,000 /1,500-5,000	10.3 million gallons
City of Delray Beach	~~250~~ 276	1,000./1,500-5,000	2/3 ADF of System
City of Boca Raton	307	1,000 /1,500-5,000	2/3 ADF of System
Village of Royal Palm Beach	135	1,000 /1,500-5,000	2/3 ADF of System
City of Belle Glade	91	1,000 /1,500-5,000	2/3 ADF of System
City of Pahokee	86	1,000 /1,500-5,000	2/3 ADF of System
City of South Bay	150	1,000 /1,500-5,000 .	2/3 ADF of System
Seminole Improvement District	~~190~~ 540(4)	1,000 /1,500-5,000	100% ADF of System
Village of Tequesta	3.9 (5)	1,000 /1,500-5,000	100% ADF of System
City of West Palm Beach	47(5)	1,000 /1,500-5,000	100% ADF of System

1. In gallons per capita per day (gpd). Source: Utility Providers, 2002
2. Requirements for Fire Flow in PBC. Source: Fire Rescue Ordinance # 98-29 / In gallons per minute (gpm)
3. ADF stands for "Average Daily Flow" of the system
4. In 000 gallons per day (gpd). The District has 4-5 residents and a water and sewer system that currently serves non-residential uses: three schools, a shopping center, a citrus packing plant and Lion Country Safari. Source: Seminole I.D., Feb 2002.
5. Capacity in MGD

D. Intergovernmental Coordination Element, Service Delivery Revisions

REVISIONS: To revise and update. The revisions are shown with the added text underlined, and the deleted text ~~struck out~~.

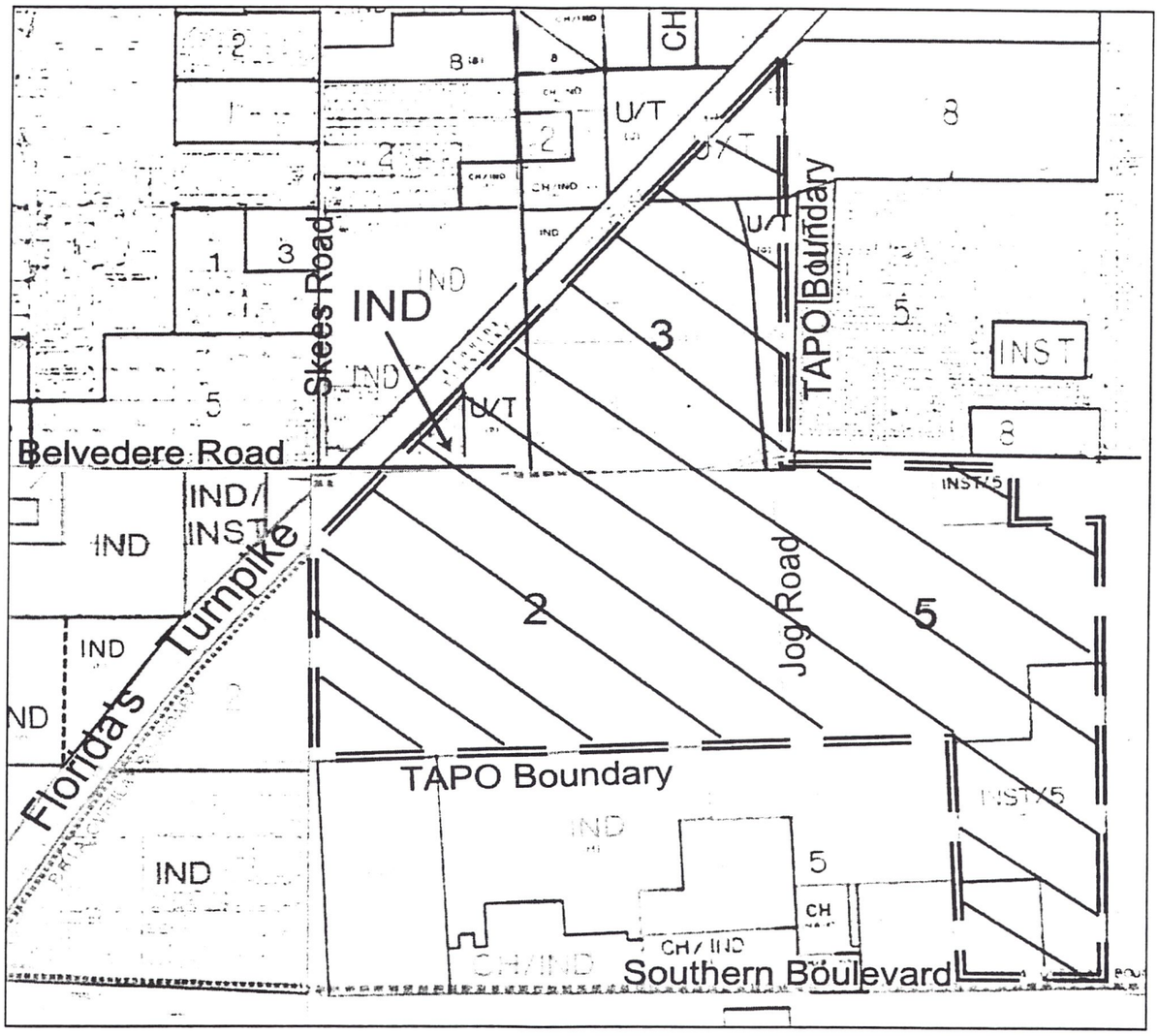
OBJECTIVE 1.1 Plan Coordination

REVISE Policy 1.1-l: The County shall support efforts to integrate land use and water resource planning to ensure the availability of water for regional water management purposes. Accordingly, the SFWMD shall be designated as a commenting agency on ~~large-scale~~ Future ~~L~~land ~~U~~use Atlas plan amendments that may have an impact on the Comprehensive Everglades Restoration Program (CERP) plans and other related projects and infrastructure. ~~and shall be encouraged to provide c~~Comments shall be provided prior to any action on the amendments by the Land Use Advisory Board or the Board of County Commissioners.

E. Future Land Use Atlas, New Turnpike Aquifer Protection Overlay (TAPO) Boundary Map

FLUA Page No.: 56, 57 & 64

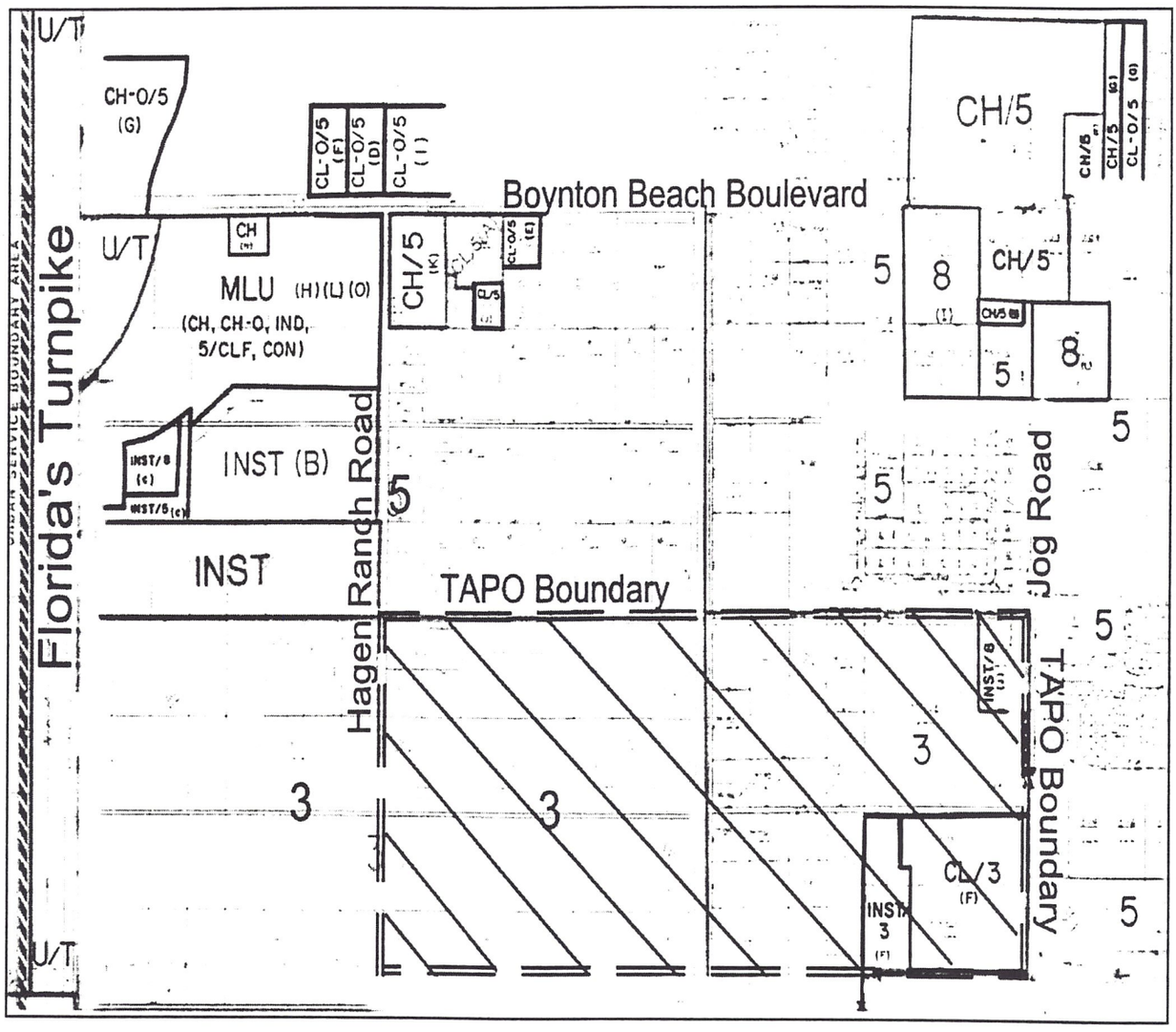
Location: Those tracts lying in sections 27, 33 & 34 Township 43 South, Range 42 East, Palm Beach PBC, Florida being more particularly described as follows: The Part of the west ½ of section 27 laying east of the turnpike. The North ½ of section 34 less the Northeast ¼ of the Northeast ¼ section. The East ½ of the Southeast ¼ section 34. The part of the East ½ of the Northeast ¼ of section 33 laying east of the Turnpike.



Future Land Use Atlas, New Turnpike Aquifer Protection Overlay (TAPO) Boundary Map

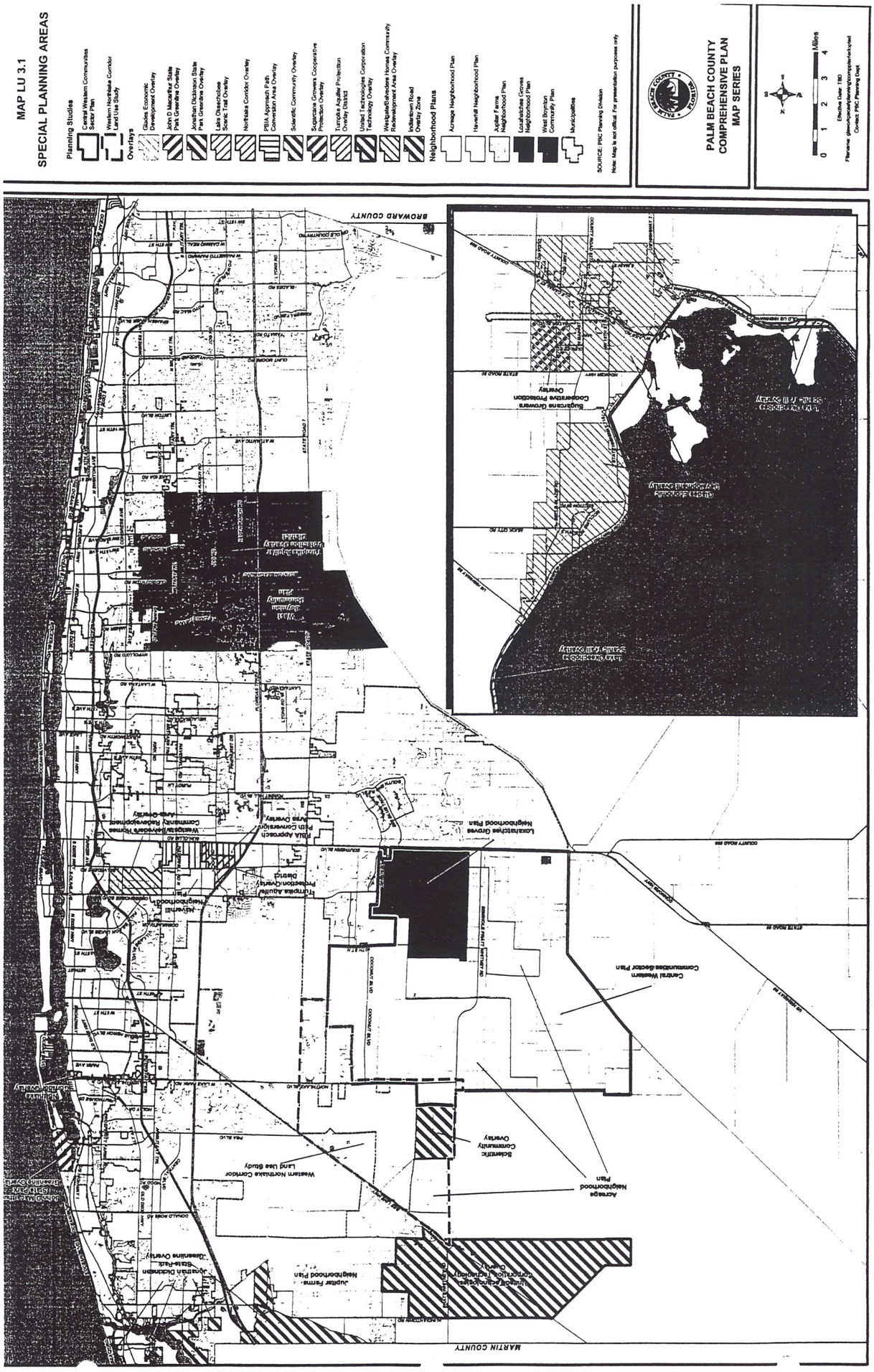
FLUA Page No.: 89 and 90

Location: Those tracts of land lying in sections 27 and 28 Township 45 south, Range 42 East, Palm beach PBC, Florida being more particularly described as follows: The South East ¼ of section 28 and the South West ¼ section 27.



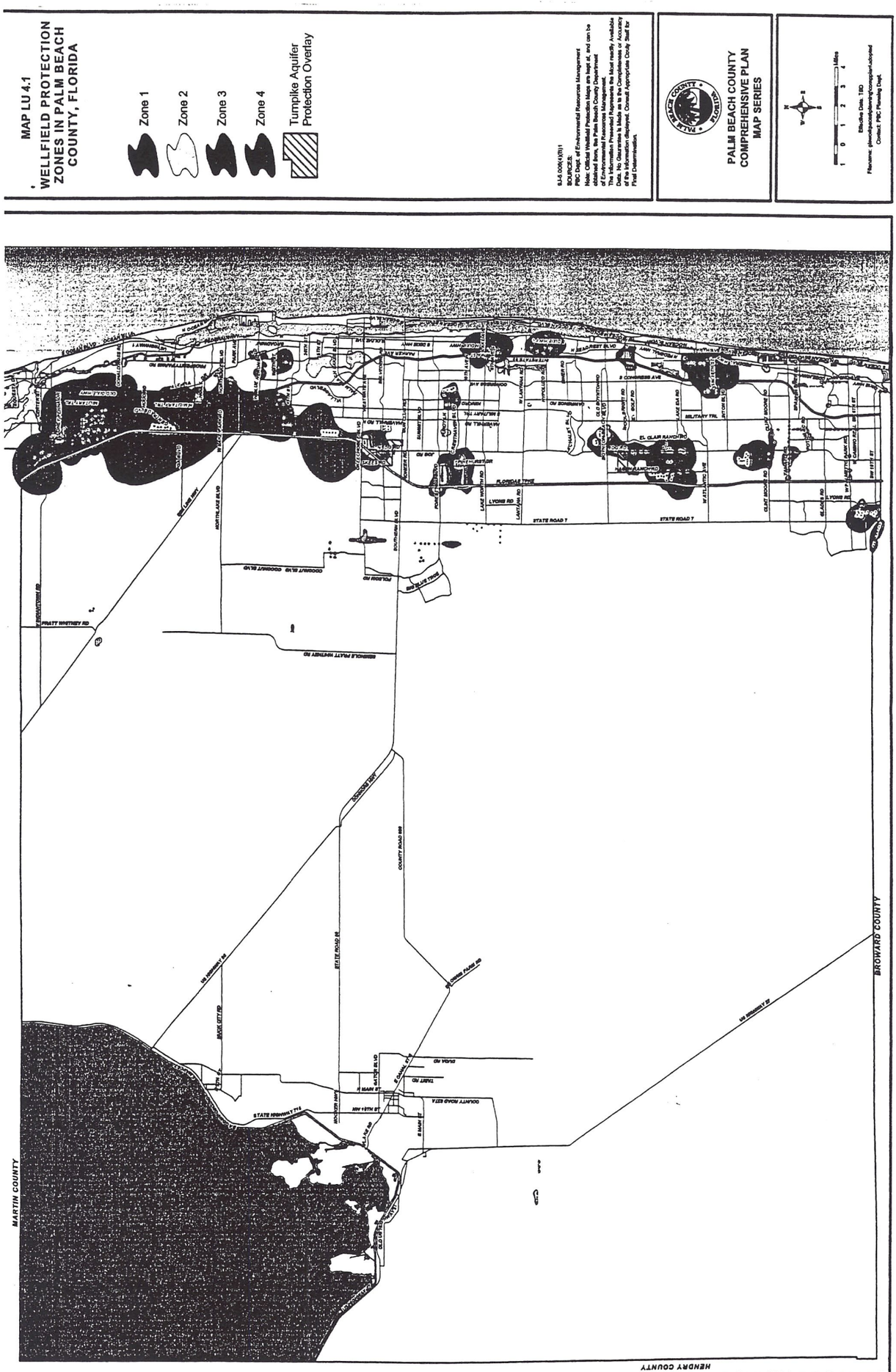
F. Map Series, Map LU 3.1, Special Planning Areas

REVISIONS: To revise and update to depict the revised boundaries of the Turnpike Aquifer Protection Overlay (TAPO).



Map Series, Map LU 4.1, Wellfield Protection Zones

REVISIONS: To revise and update to depict the revised boundaries of the Turnpike Aquifer Protection Overlay (TAPO).



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the Board of County Commissioners certify this to be a true and correct copy of the original filed in my office on August 24, 2004
DATED at West Palm Beach, FL on 12/21/04
DOROTHY H. WILKEN, Clerk
By: _____ D.C.